

**Amendments to the Claims:**

The listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims**

1 (original): Construction machinery comprising:

an engine;

a hydraulic pump driven by the engine; and

an actuator driven by a pressure oil supplied from the hydraulic pump; wherein

in a case of a load mode where an engine torque at an intersection point of an iso-horsepower curve of a necessary horsepower and a governor characteristic curve of the engine is smaller than that, of a rating output point of the engine, the number of revolutions of the engine is reduced and the engine torque is increased with reference to the intersection point, and the engine is allowed to run with a horsepower exceeding the iso-horsepower, and by a surplus torque generated therefrom, a power generator is operated so as to generate an electric power, which is accumulated in a power accumulation apparatus.

2 (original): The construction machinery as claimed in claim 1, wherein in a case of a load mode where the iso-horsepower curve of the necessary horsepower and the governor characteristic curve of the engine do not generate an intersection point, the engine is driven at a point approximate to the rating output point while the power generator functioning as an electric motor is operated by the power accumulation apparatus so that assist running for assisting a shortage is performed.

Preliminary Amendment:  
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3 (original): The construction machinery as claimed in claim 1 or 2, wherein the power accumulation is performed with the number of revolutions by which the power generator is to be in a high efficiency state.

4 (currently amended):. The construction machinery as claimed in ~~any one of claims 1 to 3~~ claim 1 or 2, wherein the assist running is performed with the number of revolutions by which the power generator functioning as an electric motor is to be in a high efficiency state.